

## DELEGATION OF FUNCTIONS TO OFFICERS

The following functions are delegated to the Officers listed:

### 1 General

- 1.1 Subject to any more specific constraints within this Scheme of delegation, and generally in accordance with this Constitution the Chief Executive, Corporate Directors, Monitoring Officer, Section 151 Officer and Group and Service Managers are authorised to act generally within approved policy and budgetary constraints to secure the agreed objectives of the Council and to implement the decisions made by the Council, the Executive and Committees.
- 1.2 The Chief Executive has power to act in respect of any function falling within the jurisdiction of any Corporate Director, Group or Service Manager, except that such powers shall not be exercised with regard to the statutory functions of the Monitoring Officer or Section 151 Officer or, in any other case, where such action would be contrary to Statutory Provision.
- 1.3 Corporate Directors have power to act in respect of any function falling within the jurisdiction of any Group or Service Manager for the time being falling under their control, except that such powers shall not be exercised with regard to the statutory functions of the Monitoring Officer or of the Section 151 Officer.
- 1.4 The Chief Executive, Corporate Directors, Monitoring Officer, Section 151 Officer and Group or Service Manager have power to authorise officers, in writing, to enter any premises or land in pursuance of any statutory power.
- 1.5 All Notices required to be given or served under any enactment, shall be given or served by the Chief Executive, Corporate Directors, the Monitoring Officer, Section 151 Officer or appropriate Group or Service Manager. For the avoidance of doubt, all notices required to be given or served under any enactment shall be the responsibility of the appropriate Group or Service Manager (unless specifically otherwise stated) but, in the absence of such Group or Service Manager, authority is given to the Chief Executive, Monitoring Officer, or appropriate Corporate Director to give or serve such Notice.
- 1.6 The Chief Executive, Corporate Directors, Monitoring Officer, Section 151 Officer and Group Managers or Service Managers are empowered to authorise overtime, provided there is adequate provision within the approved budget, and to record, through the Group Manager (Legal) those occasions where overtime is authorised for staff graded above Scale 6.
- 1.7 The Chief Executive, Corporate Directors, Monitoring Officer, Section 151 Officer and Group Managers or Service Managers are authorised, in consultation with the Group Manager (Legal), to take any appropriate action (including dismissal) in accordance with approved Local Disciplinary Procedures.
- 1.8 The Chief Executive, Corporate Directors, Section 151 Officer and

Group Managers or Service Managers are authorised to award accelerated merit increments and staff recognition scheme payments subject to the concurrence with the Group Manager (Legal) and within the constraints of the approved staffing budget.

- 1.9 The Chief Executive, Corporate Directors and Group Managers are authorised to award contracts in accordance with the Contract Procedure Rules.
- 1.10 The Chief Executive, Corporate Directors, and Group Managers identified in the Council's RIPA policy from time to time are authorised to decline, grant and review RIPA authorisations in accordance with that policy and to appear or authorise officers to appear on behalf of the Council in relation to an application to the Magistrates Court for RIPA approval
- 1.11 The Chief Executive, Corporate Directors, Monitoring Officer, Section 151 Officer and Group Managers or Service Managers are authorised, in consultation with the Corporate Director (Support), to appoint staff within the constraints of the approved staffing budget and provided that the filling of the post has been approved by the vacant post panel consisting of the Corporate Directors.
- 1.12 It is recognised that delegated officers cannot personally undertake the discharge of every function conferred upon them. Delegated officers are accordingly entitled to arrange for the discharge by their officers of functions allocated to them provided that the delegated officer remains responsible for and accountable to the Council for the exercise of his or her delegated powers and puts in place such measures as the delegated officer considers appropriate to ensure that those officers assisting him or her in the discharge of functions do so in accordance with the provisions of this Constitution and do not exceed the limits of any authorisation made to them by the delegated officer to assist him or her in this task.
- 1.13 For the avoidance of doubt any reference in this part to the discharge of any functions includes a reference to the doing of anything which is calculated to facilitate or is conducive or incidental to the discharge of those functions.
- 1.14 For the avoidance of doubt an officer seized of the power to make a decision may where he or she considers it necessary in the particular circumstances refer the matter for decision by the Executive.
- 1.15 If any delegated officer receives any statutory notice which if contravened would give rise to a risk of prosecution he or she shall immediately refer it to the Group Manager (Legal) and to the Leader of the Council who shall be entitled to call for a report on the matter to the Executive.
- 1.16 All delegated officers and the Executive should seek and obtain appropriate professional advice from those employed or otherwise engaged by the Council for that purpose in connection with the matter under consideration and any report made by officer's to the Executive should show on its face whether or not such advice has been obtained.
- 1.17 In exercising any delegated powers officers must ensure compliance

with the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 (as amended from time to time) in relation to the making of Key Decisions and with the Openness of Local Government Bodies Regulations 2014. It will be for the relevant officer to determine which decisions within their responsibility are Key Decisions. Guidance on what is a “Key Decision” is included in the Constitution.

- 1.18 To agree that the Corporate Management Team deal with redundancies arising through the year and to approve those requests in consultation with the relevant Portfolio Holder and recognised trade unions.
- 1.19 To agree that the Corporate Management Team approve to restructure the service in a manner that delivers efficiencies or savings including the reallocation of tasks, changing of structures and creation of new posts.
- 1.20 To agree that the relevant Group Manager in consultation with the Deputy Leader and the relevant Portfolio Holder to identify service areas where Value for Money Reviews should be carried out.
- 1.21 The Section 151 Officer and Chief Executive in consultation with the Leader and Deputy Leader are authorised to submit an application to DCLG for business rates pooling subject to the figures showing that joining the pool would be financially beneficial to this Council.

## **2. Chief Executive**

- 2.1 To have overall authority to deal with any emergency (and call upon such other separate Corporate Directors, Group or Service Managers for assistance as may be necessary) and to authorise any necessary expenditure in respect of such emergency, in consultation with the Section 151 Officer).
- 2.2 During the Chief Executive’s absence, to nominate a Corporate Director to have overall authority to exercise such of the powers or duties delegated to him under this scheme of delegation as he may think fit and to deal with any emergency which may arise and call upon such other Corporate Directors and Group or Service Managers for such assistance as may be necessary.
- 2.3 To appoint staff below Corporate Director or Group Manager level, in consultation with the Group Manager (Legal).
- 2.4 To arrange civic and ceremonial functions.
- 2.5 To be the Electoral Registration Officer and Returning Officer at Elections and Referendums.
- 2.6 To determine the location of polling stations.
- 2.7 In the absence of a duly appointed Executive, to exercise the powers and functions of the Executive.
- 2.8 To exercise functions under Sections 106, 110, 111 and 113 Local Government and Public Involvement in Health Act 2007 relating to local area agreements and the revision of targets.

- 2.9 To sign and issue a closure notice under the Anti-social Behaviour Crime and Policing Act 2004.
- 2.10 To exercise the obligations of Homes in Sedgemoor under their Management Agreement in the event of termination or suspension of the Management Agreement.
- 2.11 To receive, record and act upon reports of allegations of safeguarding concerns in relation to staff or Members.
- 2.12 After consultation with the Group Manager (Legal)/Monitoring Officer and the Leader of Council to enter into Unilateral Undertakings to secure the planning obligations required for any future planning applications for any land where the Council is the landowner. (Full Council 16 December 2015)

### **3. Group Manager (Legal) Monitoring Officer**

- 3.1 To serve notice seeking possession, notice to Quit, notice of proceedings or equivalent in respect of tenancies.
- 3.2 To institute, authorise, defend or settle legal proceedings at common law or under any enactment, statutory instrument, order or byelaw conferring functions upon the Council or in respect of functions undertaken by the Council and to lodge an appeal against any such decision, and where appropriate submit the outcome of proceedings to the Executive or appropriate Committee. For the avoidance of doubt, this authority shall extend to the taking of all procedural steps, including the service of notices, statutory or otherwise, counter notices, issuing warrants, taking other enforcement action, Notices to Quit and applying for costs in pursuance of the above and to safeguard the Council's interests generally.
- 3.3 To institute and authorise proceedings for the recovery of debts, in consultation with the appropriate Group Manager.
- 3.4 To authorise Officers of the Council to prosecute or defend or appear in any legal proceedings by virtue of the provisions of Section 223 of the Local Government Act, 1972.
- 3.5 To enter into agreements or contracts or letters of intent relating to the supply of goods or services or works, or leases, licences or tenancy agreements or other agreements relating to land or property, where the subject matter has been approved by the Council, the Executive or by a Regulatory Committee or by an Officer acting within powers delegated to him by the Council.
- 3.6 Wherever considered appropriate, to seek a Counsel's Opinion on any matter or appoint external solicitors.
- 3.7 To serve notices requiring information to enable the Council to carry out its statutory functions and take action in the event of non-observance thereof.
- 3.8 To deal with all matters relating to appearances by the Council in a court of law and to authorise any appropriately qualified or experienced person to represent the Council in legal proceedings, tribunals and inquiries.

- 3.9 To execute contracts either by seal or under hand relating to any interest in land or goods services and works.
- 3.10 To obtain information under Section 330 of the Town and Country Planning Act, 1990 as to interests in land.
- 3.11 To obtain particulars of persons interested in land under Section 16 of the Local Government (Miscellaneous Provisions) Act, 1976 (as amended).
- 3.12 To bring unopposed Traffic Regulation Orders into effect without further reference to the Executive or appropriate Committee. To bring opposed Traffic Regulation Order's into effect where resolved by the appropriate Committee.
- 3.13 To make appropriate Orders under the Town Police Clauses Act, 1847, in consultation with the appropriate Executive Member after obtaining observations from the Statutory Consultees.
- 3.14 To seek appropriate Possession Orders in accordance with statutory provisions and/or common law and where appropriate to take steps to enforce them.
- 3.15 In consultation with the appropriate Group Manager to confirm unopposed Public Footpath Orders.
- 3.16 To provide responses to Local Land Charges Searches.
- 3.17 To register local land charges.
- 3.18 To act as the designated officer in relation to requests for directed surveillance or CHIS and to keep and maintain the register.
- 3.19 To maintain the register of member and officer interests including registration of gifts and hospitality.
- 3.20 In consultation with the Leader of Council to award gas and electricity contracts in relation to the Council's buildings, provided that contracts awarded over £250,000 shall be reported for information to a meeting of the Executive as soon as practicable after the award.
- 3.21 Where any document is necessary to any legal procedure or proceedings on behalf of the Council to sign on behalf of the Council or authorise any other subordinate to do so, unless any enactment otherwise authorises or requires or the Full Council has given requisite authority to some other person.
- 3.22 To have custody of the Common Seal and to affix it to any documents necessary to give effect to a Council decision or any part of it or which in his or her opinion should be sealed. The affixing of the Common Seal may be carried out by some other person authorised by the Group Manager.
- 3.23 To arrange civic and ceremonial functions.

- 3.24 To consider and approve or decline applications for a waiver of contract procedure rules in conjunction with the Group Manager (Finance) in relation to contracts below £250,000.
- 3.25 To instruct investigations in accordance with the Council's Corporate Fraud Policy from time to time.
- 3.26 To institute legal proceedings in relation to anti-social behaviour.
- 3.27 To set chargeout rates to enable the recovery of legal costs from third parties.
- 3.28 To authorise legal proceedings in respect of business rate, Council tax arrears and any other debts owed to the Council and to take appropriate enforcement action.
- 3.29 To conduct reviews of freedom of information and data protection and environment information regulation decisions.
- 3.30 To be the 'Proper Officer' to receive complaints of failure to comply with the Code of Conduct.
- 3.31 To determine whether a complaint merits formal investigation and to arrange such investigation following consultation with the Independent Person. The Monitoring Officer is instructed to seek resolution of complaints without formal investigation wherever practicable, and to refer decisions on investigation to the Standards Committee where the Monitoring Officer feels that it is inappropriate for them to take the decision, and to report quarterly to the Standards Committee on the discharge of this function.
- 3.32 To agree that where the investigation finds no evidence of failure to comply with the Code of Conduct, the Monitoring Officer be instructed to close the matter, providing a copy of the report and findings of the investigation to the complainant and to the member concerned, and to the Independent Person, and reporting the findings to the Standards Committee for information.
- 3.33 To agree that where the investigation finds evidence of a failure to comply with the Code of Conduct, the Monitoring Officer in consultation with the Independent Person be authorised to seek local resolution to the satisfaction of the complainant in appropriate cases, with a summary report for information to the Standards Committee. Where such local resolution is not appropriate or not possible, the Monitoring Officer is to report the investigation findings to a Hearings Panel of the Standards Committee for local hearing.
- 3.34 To grant dispensations with an appeal to the Standards Committee on the following grounds:
  - (a) That so many members of the decision-making body have DPIs in a matter that it would "impede the transaction of the business". In practice this means that the decision-making body would be inquorate as a result;

- (b) That without a dispensation, no member of the Executive would be able to participate on this matter (so, the assumption is that, where the Executive would be inquorate as a result, the matter can then be dealt with by an individual Executive Member. It will be necessary to make provision in the scheme of delegations from the Leader to cover this).
- 3.35 To amend the names (but not the level of post, from time to time when there is a change of personnel) of Authorised Officers in respect of Regulation of Investigatory Powers in consultation with the Leader of Council.
- 3.36 To maintain a register of whistle-blowing complaints
- 3.37 To maintain a register of member Code of Conduct complaints.
- 3.38 To maintain a register of member and officer declarations of Interests and for the recording of Gifts and Hospitality by officers and members.
- 3.39 To determine appeals against decisions in relation to the Community Right to Bid.
- 3.40 To conduct reviews of decisions under the Freedom of Information Act 2000 and Environmental Information Regulations 2004.
- 3.41 In accordance with the Anti-social Behaviour Crime and Policing Act 2004 :-
  - (1) to issue a community protection notice and a fixed penalty notice ;
  - (2) to sign and issue a closure notice;
  - (3) to enter premises in respect of which closure order is in force and to do anything necessary to secure the premises against entry
  - (4) to authorise Homes in Sedgemoor officers to issue a community protection notice and a fixed penalty notice
- 3.42 To issue Contracts of Service and any notices required under appropriate Employment legislation.
- 3.43 To deal with applications for payment of staff relocation expenses within the policy adopted by the Council.
- 3.44 To deal with applications under the Assisted Bike and Car Purchase Schemes.
- 3.45 To record occasions where a Corporate Director, Group or Service Manager has granted special leave under the National Joint Council for Local Government Services National Agreement on Pay and Conditions of Service.
- 3.46 To determine applications in consultation with the appropriate Group or Service Manager from Officers above Scale 6 in connection with the taking up of any additional appointment or engaging in any business apart from their Council duties.
- 3.47 To approve changes to the Council's existing Human Resources Policies arising as a result of a change in legislation.

- 3.48 To maintain a register of politically sensitive posts.
- 3.49 To conduct and monitor disclosure and barring service checks for relevant employees.
- 3.50 To determine undisputed applications to name/rename streets and number or renumber dwellings.
- 3.51 To determine applications to name or re-name streets and number or renumber/rename houses and to refer any applications where there is dispute to be determined by the Group Manager (Legal) in consultation with the Portfolio Holder.
- 3.52 To act as Company Secretary (or to authorise others to act) for the Council's wholly owned companies.

#### **4. Valuer**

- 4.1 To undertake all aspects of the general management of the Council owned markets, street market and street trading.
- 4.2 To advertise for tenders for grazing and mowing licences and to accept the highest satisfactory tender in each case.
- 4.3 To settle terms for the granting of leases, tenancies, licences, easements, etc. up to an annual value of £50,000.
- 4.4 To undertake reviews of rent and lease renewals up to a value of £50,000 per annum.
- 4.5 To deal with claims for compensation for loss of crops, damage to land, etc., up to a maximum of £4,000 in any one case.
- 4.6 To negotiate and approve home loss payments and disturbance compensation, in accordance with the Land Compensation Act, 1973, and to include such payments and compensation which are discretionary in acquisitions other than Compulsory Purchase Orders.
- 4.7 To advertise for tenders for seasonal and other trading concessions and to accept the highest satisfactory tender in each case, within approved policy .In relation to the granting of beach concessions this shall be subject to consultation with the relevant town or parish councils.
- 4.8 To negotiate and authorise payment of compensation arising out of the implementation of flood relief, etc. schemes, up to a maximum of £4,000.
- 4.9 To make applications for outline/full or deemed planning permission, where necessary, in respect of any proposed development of Council land, or in respect of any other proposed development for the Council's purposes.
- 4.10 To deal with requests for consent to assignment and sub-letting of leases and tenancy agreements, subject to the receipt of satisfactory



references.

- 4.11 To deal with land and property disposals up to a value of £100,000, in consultation with the relevant Group or Service Managers.
- 4.12 To deal with land and property acquisitions up to a value of £50,000 in consultation with the relevant Group or Service Managers.
- 4.13 To grant wayleaves for public services over land owned by the Council.
- 4.14 To agree terms for the sale of Council houses at market value in accordance with the relevant housing act.
- 4.15 To advertise public open space for sale and where there are no objections and the sale falls within paragraph 4.11, to agree terms for the sale.
- 4.16 To grant or refuse applications for consent for alterations, further charges or other approvals required in the conveyance/lease in relation to properties purchased from the Council under the Right to Buy Scheme and Shared Ownership properties.
- 4.17 To grant licences of up to 12 months duration.

## **5. Group Manager (Finance) (Section 151 Officer)**

- 5.1 To act as the Council's designated responsible Officer (Section 151 Officer) for the overall financial administration of the Council.
- 5.2 To approve virements between £5,000 and £50,000 in consultation with the relevant portfolio holder between cost centres within a budget, subject to the rules of the scheme.
- 5.3 To approve virements from balances up to the amount required to fund redundancies on the basis that costs are paid back within two years.
- 5.4 To consider and approve or decline applications for a waiver of contract procedure rules in conjunction with the Group Manager (Legal) in relation to contracts below £250,000.
- 5.5 To client the audit function (both internal and external) and to instruct investigations in accordance with the Council's Corporate Fraud Policy, when appropriate.
- 5.6 To manage the Council's borrowing, including the power to agree terms for and take up or renew, within the Council's approved policy, subject to any statutory controls and codes of practice and providing that reference shall be made to the Executive in connection with any changes from approved policy.
- 5.7 In conjunction with appropriate Group Manager, to agree lease financing arrangements for items in the capital programme, where appropriate.
- 5.8 To grant loans and fix interest rates for all loans made by the Council, except those fixed by any employees' contracts of service.

- 5.9 To make temporary investments of surplus monies.
- 5.10 The execution and administration of treasury management decisions.
- 5.11 To pay accounts for work done, goods supplied or services rendered.
- 5.12 To make any arrangements for the collection, custody and banking of all income.
- 5.13 To write-off any irrecoverable debt up to £4,000, subject to any statutory restrictions.
- 5.14 To negotiate and agree the settlement of insurance policies and claims.
- 5.15 To agree in conjunction with the Leader of Council amendments to fees and charges unless a key income line identified as requiring Executive approval.
- 5.16 Acceptance of Grant Conditions, pursuant to Section 151 of the Local Government Act 1972, will have the power to enter into binding financial agreements including, but not limited to, applying for grants or making grant claims and accepting conditional or non-conditional grants and committing the County Council to repay grants in the event that the terms and conditions are not met.
- 5.17 To exercise any powers and duties relating to the administration of the housing benefits and council tax benefits system in so far as lies within the Council's policy.
- 5.18 To authorise action as the nominated officer under the Social Security or Benefits legislation.
- 5.19 To be responsible for decision-making on matters of discretion associated with the benefits scheme under the adopted Council policies.
- 5.20 To be responsible for the billing collection and enforcement of Council Tax and Business Rates in accordance with Government Regulations and Council Policy.
- 5.21 To be responsible for Corporate debt management and recovery in accordance with Council policy.
- 5.22 To enter into agreements relating to amendment or revision of valuation list entries.
- 5.23 To approve the apportionment of rateable value between parts of hereditament.
- 5.24 To arrange appearances before a valuation and Council tax tribunal in connection with Council tax and rating appeals; and before the Magistrates in connection with rate and Council tax arrears, and to authorise appropriate Officers to attend such meetings.
- 5.25 To determine applications for the grant of relief of business rates and Council tax as required by statute or statutory instrument, or in accordance with

approved Council policy and to deal with any resulting appeals.

- 5.26 To approve or refuse applications to waive excess car parking charges in accordance with the Council's policy and appeals procedure.
- 5.27 To exercise any powers and duties relating to the administration of the approved Local Council Tax Reduction Scheme.
- 5.28 To approve and submit the NNDR1 return, in consultation with the Deputy Leader.
- 5.29 To maintain a register of fraud allegations.
- 5.30 To deal with applications for ex gratia payments not exceeding £100 where an Officer has suffered loss or injury to clothing or personal equipment as a result of accidental damage whilst on duty.
- 5.31 To implement salary and wage awards, etc. by appropriate negotiating bodies.
- 5.32 To pay all appropriate allowances and expenses to Councillors.
- 5.33 To determine discretionary housing payment applications and applications for exceptional hardship relief in accordance with approved Council policy and to deal with any resulting appeals.
- 5.34 To act as the Building Control Partnership's designated responsible Officer (Section 151 Officer) for the overall financial administration of the Partnership.

## **6. Democratic Services Manager**

- 6.1 To be the "proper officer" for the purposes of the giving and receipt of Notices under the Procedure Rules contained in Part 4 of the Constitution and for the efficient operation of such procedures generally unless there is specific designation in any particular circumstances to the contrary, or where that function would otherwise conflict with the role of the Monitoring Officer or Section 151 Officer.

## **7. Group Manager Strategy & Development**

- 7.1 To make decisions on applications to determine whether planning permissions are required in consultation with the Group Manager (Legal) where appropriate.
- 7.2 To approve (including approval subject to conditions) applications for planning consent (including temporary permissions, renewal of unexpired time permissions and reserved matters), for listed building consent, advertisement consent, for the lopping, topping, felling or any other tree surgery in respect of trees which are the subject of Tree Preservation Orders or are in a Conservation Area, applications under the High Hedges Regulations and to determine applications to vary or delete conditions. The above authority may only be applied where:
  - There is no written objection from any Sedgemoor District

Councillor or Town/Parish Council within the Sedgemoor area of a planning nature; and

- The application does not conflict with an approved Council planning policy unless material planning considerations determine otherwise
- 7.3 To refuse applications for planning consent (including temporary permissions, renewal of unexpired time permissions and reserved matters), listed building consent, advertisement consent, for the lopping, topping, felling or any other tree surgery in respect of trees which are the subject of Tree Preservation Orders or are in a Conservation Area, applications under the High Hedges Regulations, and to determine applications to vary or delete conditions when a proposal is clearly contrary to approved Council planning policies, National or Guidance except where a Parish Council or District Councillor supports the application on valid grounds of a planning nature. To refuse to entertain retrospective planning applications where an enforcement notice has already been served.
- 7.4 To grant any approval and to respond to any consultation sought under Article 3 and Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995.
- 7.5 To respond to consultations on planning applications, plans and proposals received from neighbouring local authorities and other statutory and public bodies in accordance with approved planning policies of the Council.
- 7.6 To implement the powers for discontinuance, removal and related enforcement of advertisement displays under the Town and Country Planning Act 1990 and Town and Country Planning (Control of Advertisement) Regulations 1992.
- 7.7 To authorise officers to enter land or premises for enforcement and other purposes in connection with the Council's function as Local Planning Authority.
- 7.8 To require applicants for planning permission or consent to supply such further information as may be necessary including the requirement in consultation with the Group Manager (Legal), as appropriate, for an Environmental Impact Assessment to enable an application to be determined (for the avoidance of doubt determination of EIA Screening Opinion requests)
- 7.9 To grant extensions of time for compliance with conditions.
- 7.10 To approve or refuse details submitted in satisfaction of conditions imposed on all permissions.
- 7.11 To issue, serve and enforce Information Notices, Enforcement Notices, Planning Contravention Notices, Listed Building Notices, Conservation Area Enforcement Notices, Breach of Condition Notices and Notices in respect of land affecting amenity (S.215 Notices) and to withdraw Enforcement and Breach of Condition Notices; all in consultation with the Group Manager (Legal) where necessary.

- 7.12 To apply for injunctions restraining breaches of planning control in consultation with the Group Manager (Legal).
- 7.13 To issue and serve temporary Stop Notices and Stop Notices in consultation where necessary with the Group Manager (Legal).
- 7.14 In consultation with the Group Manager (Legal) to instigate legal proceedings and formal cautions in respect of offences under planning legislation, including injunctions to restrain a breach of planning control.
- 7.15 In consultation with the Group Manager (Legal) as necessary to respond to and issue certificates in relation to applications for Appropriate Alternative Development.
- 7.16 To require submissions of details of agricultural buildings and telecommunications apparatus where notifications are received and it is considered that the proposals will have a material impact on the area.
- 7.17 To issue consents with conditions where appropriate in respect of notifications of the demolition of buildings.
- 7.18 In consultation with the Group Manager (Legal) to issue Building Preservation Notices.
- 7.19 To make, confirm and revoke Tree Preservation Orders with Members drawn from the Committee acting as an Objection Panel in respect of objections to the making of Orders.
- 7.20 To issue and serve tree replacement notices.
- 7.21 To respond to applications for Felling Licences, Woodland Grant Schemes and forestry works.
- 7.22 In consultation with the Group Manager (Legal) to determine the contents, detail, modification and revocation of S106 Agreements.
- 7.23 To protect important hedgerow i.e. to determine notifications for the removal of hedgerows
- 7.24 To determine applications for Hazardous Substances Consents and related powers, including the serving of enforcement notices.
- 7.25 To determine applications for a certificate of lawfulness for an existing use or development (CLEUD) and applications for a certificate of lawfulness for a proposed use or development (CLOPUD) including applications seeking to establish the lawfulness of works to Listed Buildings.
- 7.26 To exercise powers granted by Section 224 of the Town and Country Planning Act, 1990 and any appropriate regulations relating to flyposting.
- 7.27 To obtain information under Section 330 of the Town and Country Planning Act, 1990 as to interests in land.
- 7.28 To obtain particulars of persons interested in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976.

- 7.29 Default action in consultation with the Group Manager (Legal) as necessary where any steps required by an enforcement notice to be taken are not taken within the period for compliance with the notice and subsequently to instigate the necessary proceedings to recover expenses incurred by the default action.
- 7.30 To exercise powers under the Anti-social Behaviour Crime and Policing Act 2004 to issue a community protection notice and a fixed penalty notice.
- 7.31 To refuse to accept repeat applications under the powers confirmed by Section 70A of the Town and Country Planning Act 1990.
- 7.32 To treat applications as “finally disposed of” (i.e. withdrawn) if there has been no activity on the case of a period of three months after the application was due to be determined unless there has been an appeal against non-determination.
- 7.33 To manage, deliver and implement Economic Development functions including skills and employment and tourism activity, within approved Council policy.
- 7.34 To liaise with and represent the Council in relevant Economic Development groups and wider structures from time to time.
- 7.35 To respond to consultation on relevant planning applications with regards affordable housing and determine compliance with relevant corporate policy.
- 7.36 To work with relevant registered Social Landlords and other partners to deliver corporate priorities relevant to affordable housing.
- 7.37 To implement a strategy to deliver the economic masterplan within the framework of a corporate strategy agreed in advance and within approved budgets.
- 7.38 To implement strategies agreed as part of a Development Consent Order in consultation with the relevant Portfolio Holder.
- 7.39 To liaise with and represent the Council on inward investment promotion with the Local Enterprise Partnership and within relevant County organisations.
- 7.40 Progressing and managing the LDF and evidence base including the duty to co-operate with neighbouring authorities and delivering a work program in line with the budget and agreed milestones.
- 7.41 Making professional or technical observations on inward investment and other economic development/growth related proposals.
- 7.42 To issue scoping opinions/reports under the Town and Country Planning (Environmental Impact Assessment) Regulations 1999, as amended.
- 7.43 To respond to consultations on policy documents or regeneration projects from partners and developers in accordance with the approved policies of the Council.
- 7.44 To respond to National Policy Statements, Nationally Significant

Infrastructure Projects and respond to / deal with the Planning Inspectorate and government departments under the Planning Act 2008 in accordance with approved policies of the Council.

- 7.45 In consultation with the relevant portfolio holder to respond to consultations and processes under the Planning Act 2008 concerning nationally significant infrastructure projects, including draft statements of community consultation, draft scoping reports, draft development consent orders and draft s106 planning obligations received from developers and promoters, other local authorities and other statutory and public bodies.
- 7.46 In consultation with the relevant portfolio holder to respond to proposed non-material and material changes to Development Consent Orders as appropriate
- 7.47 To respond to consultation concerning draft national policy statements under the Planning Act 2008 and other draft policy statements and documents issued by government departments, other local authorities and other statutory and public bodies.
- 7.48 To approve the terms of any proposed Planning Performance Agreement (including those for Nationally Significant Infrastructure projects) which include the provision of financial resources by the Developer to this Council in consultation with the Portfolio Holder for Development Strategy and the Monitoring Officer and Section 151 Officer.
- 7.49 To agree the terms of Planning Performance Agreements with no provision for the payment of financial resources by the Developer to this Council
- 7.50 To agree a variation or amendment to the terms of a Planning Performance Agreement relating to a Nationally Significant Infrastructure project including agreeing that additional bodies may be admitted as parties to a Planning Performance Agreement in consultation with the Portfolio Holder for Development Strategy and the Monitoring Officer and Section 151 Officer.
- 7.51 To approve details submitted in satisfaction of conditions imposed on all permissions and determine detailed submissions relating requirements and obligations imposed on Development Consent Orders.
- 7.52 To determine grant applications in consultation with the Section 151 Officer in respect of the Business Support Grant in consultation with the Leader of Council.
- 7.53 To monitor and vary “management strategies” within Development Consent Orders to ensure developer obligations are discharged and that impacts are actively managed in the public interest and consistent with the policies of the Council, requiring necessary additional mitigation as necessary.
- 7.54 To provide pre-application advice.
- 7.55 To prepare and submit (to the Planning Inspectorate) written appeal statements, statements of common-ground, proofs of evidence and the submission of any other appeal documentation considered necessary.

- 7.56 To determine the 'likely significance' of a development scheme or project pursuant to the Habitat Regulations and undertake and determine an Appropriate Assessment (HRA).
- 7.57 To determine whether Prior Approval is required and if applicable grant (including subject to conditions) or Refuse Prior Approval for certain domestic (householder) extensions; and certain changes of use and associated operational development as prescribed by the Town and Country Planning General Permitted Development Order 1995 (as amended).
- 7.58 To serve Completion Notices.
- 7.59 To agree with the applicant or agent a formal extension to the deadline (for determination) applicable to the application in question.
- 7.60 To determine whether an application constitutes a valid application and to subsequently register that application if determined to be valid.
- 7.61 To demand that matters that an applicant for outline planning permission has stated as being reserved matters, are not reserved matters but are considered as part of the outline application and to seek the requisite further information.
- 7.62 To exercise the Council's role as collecting authority as required by the CIL Regulations.
- 7.63 Issue and approve notices of liability.
- 7.64 Issue and approve demand notices and surcharge notices.
- 7.65 Determine and collect the levy, including awarding charitable and exceptional relief up to a maximum of £50,000 in accordance with the Council's Approved Charging Schedule.
- 7.66 Withdraw and register CIL Stop Notices.
- 7.67 Determine applications seeking to discharge 'requirements' and obligations including any variations imposed through Development Consent Orders.
- 7.68 In consultation with the Group Manager (Legal) to recommend enforcement action associated with Development Consent Orders.
- 7.69 To agree to take a Neighbourhood plan to referendum.

## **8. Group Manager (Environmental Services)**

### **General**

- 8.1 To obtain particulars of persons interested in land under Section 16 of the Local Government (Miscellaneous Provisions) Act, 1976.
- 8.2 To authorise officers and PCSO's to issue fixed penalty notices, and



authorise any resultant legal proceedings.

- 8.3 In consultation with the Section 151 Officer and Leader of the Council, vary the fees and charges applicable to the service.

### **Environmental Health**

- 8.4 To effect registration, grant licences, renewals or transfers, determine applications and issue authorisations under Environmental Health and associated legislation in relation to:-

All animals – including Pet Shops, Dog Breeders, Animal Boarders,  
Riding Establishments, Dangerous Wild Animals, Zoos  
Caravan Sites  
Clean Air  
Food Safety  
Health & Safety  
Houses in multiple occupation (HMO's)  
Landlord Accreditation Scheme  
Noise Control  
Pest Control  
Public Health  
Shops  
Smoking legislation  
Sunday Trading  
Acupuncture, tattoos, piercings, skin colouring and electrolysis  
Drainage  
Private water supplies  
Environmental Permitting  
Environmental Protection generally

- 8.5 To issue and serve all relevant Notices, Orders and to undertake all appropriate action under appropriate Statutory powers regarding the matters identified in (8.4) in consultation with the Group Manager (Legal), where necessary.
- 8.6 To issue and serve all relevant Notices, Orders and to undertake all appropriate action under appropriate Statutory powers, including carrying out works in default, regarding the matters identified above in consultation with the Group Manager (Legal) where necessary.
- 8.7 To advise the Chief Executive, Corporate Directors and Group or Service Managers on the efficient operation of health, safety and welfare aspects within the Council's work areas.
- 8.8 Acting in consultation with the appropriate Portfolio Holder, to designate appropriate qualified persons as "Proper Officers" for the purposes of the Public Health (Control of Disease) Act 1984 and the Public Health (Infectious Diseases) Regulations 1988.
- 8.9 To act as the Council's lead officer in the Civil Contingencies Partnership, and, in consultation with the Portfolio Holder, agree plans, procedures and work programmes.
- 8.10 In the case of any emergency or circumstances where action needs to

be taken on behalf of the Council to take any appropriate action and authorise any necessary expenditure in respect of such emergency or circumstances, after consultation with the Leader of Council and the Chief Executive.

- 8.11 To investigate complaints of statutory nuisance, serve abatement notices and undertake enforcement action including carrying out works in default and/or apply to the Courts for a seizure order.
- 8.12 To fulfil the Council's statutory duties under the Environmental Protection Act 1990 Section 78 Part IIA with regard to Contaminated Land. This requires undertaking inspections of potentially contaminated land and ensuring that appropriate remediation is undertaken to remove risks.
- 8.13 To ensure that appropriate risk assessments and remediation are undertaken through the planning process to ensure that contaminated land risks are appropriately addressed.
- 8.14 Provide advice and guidance to councillors, employees and management of Sedgemoor District Council regarding contaminated land issues.
- 8.15 To enter into Primary Authority Agreements pursuant to the Regulatory Enforcement Sanctions Act 2008 in respect of all environmental health functions.
- 8.16 To authorise officers to seize and detain stray dogs in accordance with relevant legislation and government guidance
- 8.17 To authorise officers and appointed council contractors to transfer ownership of injured dogs or unclaimed stray dogs in accordance with relevant legislation and government guidance. To authorise any necessary veterinary assessment and treatment for dogs in our care, and if required by veterinary advice, to authorise euthanasia of injured, ill or distressed dogs.'
- 8.18 To undertake inspections issue relevant Notices, Orders and to undertake all appropriate action under appropriate statutory powers regarding rodent and other pest infestations.
- 8.19 To provide a pest control service to the general public either through the use of council officers or through an appointed/approved contractor.
- 8.20 To review and make recommendations to the Local Planning Authority on planning applications in relation to Environmental Health matters.
- 8.21 To make arrangements for conducting public health funerals, and liaise as necessary with the Police, Coroner, Registry Office and Treasury Solicitors.
- 8.22 To exercise powers under the Anti-social Behaviour Crime and Policing Act 2004:-

- (1) To issue a community protection notice and a fixed penalty Notice.
- (2) To issue a fixed penalty notice in relation to a public spaces protection order.
- (3) To sign and issue a closure notice.
- (4) To enter premises in respect of which a closure order is in force and to do anything necessary to secure the premises against entry.
- (5) To take default action in consultation with the Group Manager (Legal) as necessary where the steps required to be taken by a community protection notice are not undertaken within the compliance period.
- (6) To instigate the necessary proceedings to recover any expenses incurred by the default action.
- (7) Where there is a breach of a community protection notice to seek a remedial order, forfeiture order or seizure, as appropriate, to secure compliance with the notice in consultation with the Group Manager (Legal).

## **Licensing**

- 8.23 To deal with applications for certificates, licences, permits or registration in respect of:-
- House to house and street collections
  - Scrap metal dealers
  - Street Trading
  - Hypnotism.
- 8.24 To grant licences for pleasure boats and boatmen in all cases where the applications meet the adopted conditions.
- 8.25 To exercise powers in relation to local film censoring.
- 8.26 To determine all licensing applications under the Licensing Act 2003 and Gambling Act 2005 in accordance with the Council's approved policies, except where objections are raised or where legislation otherwise requires the matter to be determined by elected Members.
- 8.27 In accordance with the Gambling Act 2005 to revoke premises licences where the annual fee has not been paid.
- 8.28 To determine whether a representation against an application or request for a review under the Licensing Act 2003 or the Gambling Act 2005 is frivolous, vexatious, repetitive or will certainly not influence the authority's determination of the application.
- 8.29 To determine any undisputed application for the grant or renewal of any licence for a hackney carriage or private hire vehicle or for any drivers or operation licence in respect of either hackney carriage or private hire vehicles.

- 8.30 To determine undisputed applications for hackney carriages and drivers licences.
- 8.31 To determine undisputed applications for private hire vehicles, operators and drivers.
- 8.32 In consultation with the Group Manager (Legal) to suspend a hackney or private hire driver's licence in the following circumstances: (i) if the driver is charged with, cautioned for, or convicted of an offence under, or otherwise fails to comply with any of the provisions of, the Town Police Clauses Act, 1847 or Part II of the Local Government (Miscellaneous Provisions) Act, 1976; (ii) if the driver is charged with, cautioned for, or is convicted of an offence involving dishonesty, indecency or violence; or (iii) any other reasonable cause including if the driver is charged with or cautioned for an offence under the Town Police Clauses Act 1847 or Part II of the Local Government (Miscellaneous Provisions) Act 1976, or for an offence involving dishonesty, indecency or violence;. until such time as the matter can be considered by the Miscellaneous Licensing Sub-Committee.
- 8.33 To suspend a Hackney Carriage Licence or a Private Hire Vehicle Licence where the vehicle fails to meet the requirements of the conditions contained in the Council's policy until such time as the conditions are complied with or the matter is considered by the Miscellaneous Licensing Sub-Committee.
- 8.34 To grant Sex Entertainment Venue Licences where no objections are received.
- 8.35 To review, comment and object to Temporary Event Notices and other Licencing applications as a responsible authority in accordance with the requirements of the relevant licencing legislation.
- 8.36 To authorise variations to standard license conditions for caravan sites, to enable individual circumstances to be taken into account.
- 8.37 To determine any undisputed applications in relation to non-motor vehicles provided that they comply with the modified conditions.
- 8.38 To be responsible for the enforcement of council tax and social security legislation.

#### **Coastal, Port and Beaches**

- 8.39 To manage the functions of pilotage and navigation for the Port of Bridgwater, on a day to day basis, within approved budgets, and to serve any appropriate statutory notices.
- 8.40 To undertake investigations, inspections and issue relevant Notices, Orders and to undertake all appropriate action under appropriate statutory powers regarding Land Drainage and Coastal Protection matters.
- 8.41 To undertake maintenance and repair of water courses, culverts and flood defence schemes where the councils has responsibility for

them.

- 8.42 To restrict access to the beaches or Jetty where deemed necessary to protect public safety.

### **Clean Surroundings**

- 8.43 To determine, monitor and review the operational procedures of Clean Surroundings Service.
- 8.44 To formulate the business and marketing strategies of the Clean Surroundings Service and submit these to the Executive for approval.
- 8.45 To ensure that all necessary vehicles, plant, materials and equipment are acquired to run Clean Surroundings Service, in consultation with the Section 151 Officer.
- 8.46 Operation of depots and stores.
- 8.47 Purchasing supplies to meet the requirements of Clean Surroundings Service and the Council.
- 8.48 To determine whether playing pitches or courts are fit to use and to close those where it is deemed necessary. Include inspection of SDC owned play areas and play equipment, remedial action to make safe including, if required, securing the area until repair is complete.
- 8.49 Inspect vehicles and subject them to approved test, in support of applications for Hackney Carriage and Private Hire license applications. Where requested, to assist licensing staff on inspections of licensed taxi's.
- 8.50 Use powers under the Local Government (Miscellaneous Provisions) Act, 1976 to deal with dangerous trees.
- 8.51 To temporarily close public conveniences in case of major repairs, misuse or anti-social behaviour.
- 8.52 To grant rights of burial.
- 8.53 To determine applications to erect monuments in the Council's cemeteries.
- 8.54 To deal with applications for maintenance of graves, on terms approved by the Section 151 Officer.
- 8.55 In consultation with the Group Manager (Legal) and the Portfolio Holder, to employ additional staff as required to meet the resource requirements of additional work obtained through contracts or additional funded and approved service improvements.
- 8.56 To remove and dispose of abandoned vehicles.
- 8.57 To quote or tender for the provision of services/works and to enter into contracts for the provision of services/works by the Clean Surroundings

Service subject to there being a viable business case and no adverse impact on the provision of existing council services for contracts of £50,000 and under where there are no TUPE implications.

- 8.58 To quote or tender for the provision of services/works and to enter into contracts for the provision of services/works by the Clean Surroundings Service subject to there being a viable business case and no adverse impact on the provision of existing council services for contracts over £50,000 or where there are TUPE implications, in consultation with the Leader of Council, the relevant portfolio holder and the Section 151 Officer.
- 8.59 To authorise investigations and enforcement action with regards to environmental offences such as fly-tipping, littering, fly-posting, nuisance and abandoned vehicles and graffiti.

### **Building Control Partnership**

- 8.60 To act as the strategic client officer to the Somerset Building Control Partnership Joint Committee and Strategy Board.
- 8.61 To deal with all applications for decision under the Building Regulations and associated matters and related or similar legislation.
- 8.62 To sign and serve notices necessary under the Building Regulations and allied legislation.
- 8.63 To authorise the service of notices in respect of dangerous, dilapidated and/or ruinous structures, in pursuance of statutory powers, and to take any necessary action in the interests of the safety of the public in connection with such structures and the demolition of structures.
- 8.64 In consultation with the Section 151 Officer and in agreement with the Building Control Partnership Joint Committee and Strategy Board, to vary the approved Building Control charge scheme as necessary within each financial year.
- 8.65 To negotiate building control fees on a commercial basis as necessary to ensure competitive pricing.

### **Waste and Recycling**

- 8.66 To act as Client Officer to the Somerset Waste Partnership in respect of refuse collection, recycling and related contracts.
- 8.67 To authorise suitable remedies to service problems, and to authorise refunds or reduced service charges in terms of garden waste and bulky collection services.
- 8.68 To determine locations of recycling bring banks, and authorise removal of such sites/facilities.
- 8.69 To authorise the Somerset Waste Partnership to provide waste bins and recycling containers as necessary to ensure effective provision of the service.
- 8.70 To determine which premises are serviced by the Council's discretionary

service for village and community halls.

8.71 To authorise invoices from the Somerset Waste Partnership in accordance with financial regulations.

**9. Corporate Director (Bob Brown)**

9.1 To act as the Council's senior information risk owner.

9.2 To approve Information Security Policies.

9.3 To determine applications under the Freedom of Information Act 2000, Environmental Information Regulations 2004 and the Data Protection Act 1998.

9.4 To implement the Council's policies in relation to IT, business continuity and information security (Chief Executive and S151 to authorise emergency expenditure).

9.5 To access staff e-mails upon the instruction of the S151 and/or Monitoring Officer.

9.6 To provide and operate an emergency alarm system to Council tenants, housing associations, companies, and the public.

9.10 To maintain a register of complaints made against the Council.

**10. Chief Information Officer**

10.1 After consultation with the appropriate Corporate Director to be responsible for the implementation of the Council's approved information strategy and Electronic Government Statement.

10.2 To establish and monitor the necessary controls and procedures to ensure that data is published responsibly, and is of value to our customers.

**11. Group Manager (Property and Income)**

11.1 To deal with applications for training.

11.2 To propose and manage a planned maintenance strategy for the Council's non-housing properties (except for any property specifically assigned to another Officer).

11.3 To carry out emergency repairs to council-owned buildings.

11.4 To close council owned facilities in the event of emergencies e.g. legionella outbreak.

11.5 Daily management of buildings and other facilities, in accordance with approved budgets and policies.

- 11.6 To make or refuse Public Footpath Diversion Orders, in consultation with the Group Manager (Legal).
- 11.7 In conjunction with the appropriate Portfolio Holder, to determine applications for concessionary parking permits.
- 11.8 To obtain particulars of persons interested in land under Section 16 of the Local Government (Miscellaneous Provisions) Act, 1976.
- 11.9 To receive and process nominations in relation to the Community Right to Bid including rejecting applications that do not meet the statutory criteria and determining applications in consultation with the relevant portfolio holder.
- 11.10 In consultation with the Section 151 Officer to vary the scale of charges for CCTV and Lifeline as necessary within each financial year.

## **12. Group Manager – Housing, Health and Wellbeing**

- 12.1 In consultation with the appropriate Portfolio Holder to make grants of up to £500 to local non-profit making organisations and to undertake projects and/or provide services that further the Council's objectives.
- 12.2 To approve the allocation of and allocate RLT2 (play contributions) monies.
- 12.3 In consultation with the Portfolio Holder for Health and Wellbeing, to grant "without prejudice permission" in respect of capital grants for voluntary village halls and community centres to a maximum figure of £35,000 of matched funding.
- 12.4 To determine requests from organisations for hire charges to be reduced or waived in respect of events where profit is raised.
- 12.5 Daily management of open spaces and halls in accordance with approved budgets and policies.
- 12.6 To develop programs aimed at achieving physical and mental health.
- 12.7 To act as the Responsible Authority on behalf of the Licensing Authority and so be authorised to make representations to applications for new Premises Licences and Club Premises Certificates, make representations to applications to vary a Premises Licence or Club Premises Certificate and to trigger a review of a Premises Licence or Club Premises Certificate where it is deemed necessary to promote the licensing objectives.
- 12.8 To approve the designation of Neighbourhood Areas, in consultation with the Portfolio Holder for Community & Scrutiny.
- 12.9 To deal with lettings at Bridgwater Fair.
- 12.10 To maintain a record of reported safeguarding concerns.

### **Housing Advice**



- 12.13 To implement approved strategic housing objectives, strategies and policies.
- 12.14 To meet the Council's legal obligations towards homeless persons.
- 12.15 To determine homeless applications, reviews and appeals.
- 12.16 To determine choice based lettings applications in accordance with Council approved policy.
- 12.17 To provide a housing advice service to the general public.

### **Private Sector Housing**

- 12.18 To make disabled facilities grants and other housing assistance in accordance with Council approved policy.
- 12.19 To determine flood repair grant applications.

### **13. Client Officer (Community Right to Challenge)**

- 13.1 To receive and process Expressions of Interest, in consultation with the Leader of Council, in relation to the Community Right to Challenge including rejecting applications that are not eligible and notifying applicants of decisions of the Executive.

### **14. Corporate Director (Doug Bamsey)**

- 14.1 To establish and make changes to the criteria for the award of Hinkley Leisure grants. All grant applications to be subject to the approval of the Grants Award Sub-Committee.